

ASSEMBLY BILL

No. 962

Introduced by Assembly Member La Suer

February 20, 2003

An act to amend and renumber Section 305.5 of the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 962, as introduced, La Suer. Minors: temporary custody.

Existing law authorizes a peace officer to take into temporary custody a minor who is in a hospital if the release of the minor to a prospective adoptive parent poses an immediate danger to the minor's health or safety. However, existing law prohibits a peace officer from taking into custody, without a warrant, a newborn child who is in a hospital, who tested positive for illegal drugs or whose birth mother tested positive for illegal drugs, who is the subject of an adoption petition and an adoption placement agreement, and whose release to the prospective adoptive parents does not pose an immediate danger to him or her. Existing law requires the prospective adoptive parents or their representative to provide a copy of the filed petition for adoption and the signed adoption placement agreement to the local child protective services agency or to the peace officer who is at the hospital to take the minor into temporary custody.

This bill would delete the provision described above authorizing a peace officer to take a minor who is in a hospital into temporary custody if the release of the minor to a prospective adoptive parent poses an immediate danger to the minor's health or safety. The bill would revise the circumstances under which a peace officer is prohibited from taking a minor who is in a hospital into temporary custody, by deleting the

requirements that the minor be the subject of a signed adoption placement agreement and that the release of the minor to a prospective adoptive parent or parents does not pose an immediate danger to the minor. The bill would also revise the provision described above requiring the prospective adoptive parents or their representative to provide a copy of the filed petition for adoption and the signed adoption placement agreement to the local child protective services agency or to the peace officer. The bill would instead require the prospective adoptive parents or their representative to provide the filed petition for adoption to the local child protective services agency within 10 calendar days of the release of the minor from the hospital into their custody.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 305.5 of the Welfare and Institutions
2 Code is amended and renumbered to read:
3 ~~305.5.~~
4 305.6. (a) ~~Any peace officer may, without a warrant, take~~
5 ~~into temporary custody a minor who is in a hospital if the release~~
6 ~~of the minor to a prospective adoptive parent poses an immediate~~
7 ~~danger to the minor's health or safety.~~
8 ~~(b) (1) Notwithstanding subdivision (a) and Section 305, a A~~
9 ~~peace officer may not, without a warrant, take into temporary~~
10 ~~custody a minor who is in a hospital if ~~all~~ both of the following~~
11 ~~conditions exist:~~
12 ~~(A)~~
13 ~~(1) The minor is a newborn who tested positive for illegal drugs~~
14 ~~or whose birth mother tested positive for illegal drugs.~~
15 ~~(B)~~
16 ~~(2) The minor is the subject of a petition for adoption and an~~
17 ~~adoption placement agreement signed by the placing birth parent~~
18 ~~or birth parents and filed with the court.~~
19 ~~(C) The release of the minor to a prospective adoptive parent~~
20 ~~or parents does not pose an immediate danger to the minor.~~
21 ~~(2)~~
22 (b) The prospective adoptive parents or their representative
23 shall, *within 10 calendar days of the release of the minor from the*
24 *hospital into their custody*, provide a copy of the filed petition for



- 1 adoption ~~and signed adoption placement agreement~~ to the local
- 2 child protective services agency ~~or to the peace officer who is at~~
- 3 ~~the hospital to take the minor into temporary custody.~~

O

